

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BARBARA A. ADAMS,	§	
	§	
Plaintiff,	§	
	§	
V.	§	No. 3:17-cv-723-B-BN
	§	
U.S. BANK, N.A., ET AL.,	§	
	§	
Defendant.	§	

**AMENDED ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**


This order amends and supersedes the Order Accepting Findings and Recommendation of the United States Magistrate Judge entered on October 4, 2017 [Dkt. No. 39]. After making an independent review of the pleadings, files, and records in this case and of the Findings, Conclusions, and Recommendation of the United States Magistrate Judge dated September 1, 2017, the Court finds that the Findings, Conclusions, and Recommendation of the Magistrate Judge are correct, and they are accepted as the Findings, Conclusions, and Recommendation of the Court.

**IT IS, THEREFORE, ORDERED** that the Findings, Conclusions, and Recommendation of the United States Magistrate Judge are accepted, Defendant Guild Mortgage Company's Motion to Dismiss [Dkt. No. 5] is granted, and Plaintiff Barbara Adams's claim against Defendant Guild Mortgage Company for breach of fiduciary duty is DISMISSED without prejudice, with leave to amend to replead that claim within 21 days of the date of this order. If an amended pleading is not filed by that date, Plaintiff Barbara Adams's claim against Defendant Guild Mortgage Company for breach of fiduciary duty will be dismissed with prejudice without further notice.

Because the Court is granting leave to replead, the Judgment entered on October 4, 2017

[Dkt. No. 40] is VACATED as premature.

**SO ORDERED** this 11<sup>th</sup> day of October, 2017.



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JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE